

REMARKS/ARGUMENTS

Claims 1, 3-7 and 9-37 are now pending in this application. Claims 1, 15 and 26 are independent claims. Claims 1, 3, 4, 9, 15 and 26 have been amended. Claims 2 and 8 have been cancelled.

Claim Rejections – 35 USC § 112, 2nd Paragraph

Claims 4-14 were rejected under 35 U.S.C. § 112, 2nd Paragraph. (Pending Office Action, Pages 2) Amendments have been made to Claim 4, thereby obviating the rejections under this section. Therefore, Claim 4 and Claims 5-7 and 9-14 (which depend upon Claim 4) are believed allowable. Claim 8 has been cancelled.

Claim Rejections – 35 USC § 102(b)

Claims 1-7 and 15-18 were rejected under 35 U.S.C. § 102(b) as being anticipated by Sriram, USPN: 5,463,620 (hereinafter: Sriram). (Pending Office Action, Page 2). Applicants respectfully traverse these rejections.

Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration. *W.L. Gore & Assocs. v. Garlock*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984). Further, “anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.” *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)) (emphasis added).

Independent Claims 1 and 15 recite elements that have not been disclosed, taught or suggested by Sriram. For example, Independent Claim 1 recites the following element:

“wherein the remote node is a device on a Fibre Channel Arbitration Loop.”

Further, Independent Claim 15 recites the following:

“A method for prioritizing frames for transmission from a

local node for a fibre channel arbitrated loop.”

It is contended that nowhere in Sriram does it either teach, disclose or suggest the above-referenced elements of the present invention. Further, the Patent Office acknowledges that Sriram does *not* teach, disclose or suggest the above-referenced elements of the present invention. (Pending Office Action, Page 5, Paragraph 5).

Based on the above rationale, it is contended that Sriram does not teach the above-referenced elements of Independent Claims 1 and 15 of the present application. Under *Lindemann*, a prima facie case of anticipation has not been established for Independent Claims 1 and 15 of the present application. Thus, Independent Claims 1 and 15 should be allowed. Further, Dependent Claims 3-7 (which depend on Independent Claim 1) and Dependent Claims 16-18 (which depend on Independent Claim 15) should also be allowed.

Claim Rejections – 35 USC § 103(a)

Claims 8-14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sriram in view of Polan et al., US 2003/0172123 (hereinafter: Polan) (Pending Office Action, Page 5). Claims 19-25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sriram in view of Fukano et al. USPN: 5,774,453 (hereinafter: Fukano) (Pending Office Action, Page 6). Claims 26-37 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Mullendore et al., USPN: 7,215,680 (hereinafter: Mullendore) in view of Sriram. (Pending Office Action, Page 7). Applicants respectfully traverse these rejections.

“To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.” (emphasis added) (MPEP § 2143). “If an independent claim is non-obvious under 35 U.S.C. 103, then any claim depending therefrom is non-obvious.” (emphasis added) *In re Fine*, 837 F. 2d 1071, 5USPQ2d 1596

(Fed. Cir. 1988). Applicants state that Independent Claims 1, 15 and 26 of the present application include elements which are not disclosed, taught or suggested by any of the above-cited references, either alone or in combination.

Independent Claims 1 and 26 generally recite elements that have not been disclosed, taught or suggested by Sriram, either alone or in combination with any of the above-cited references. For example, Independent Claim 1 generally recites the following element:

“if no contexts reside on the queues for the remote node, then examining *an on-chip context cache* to determine a context for the remote node.”

Further, Independent Claim 26 generally recites:

“wherein a node included in the plurality of nodes includes on-chip cache configured for storing contexts and further configured for being examined for contexts when no contexts reside on the multiple queues.”

The Patent Office cites that Sriram teaches the above-referenced elements of the present invention. (Pending Office Action, Page 3). However, Sriram merely teaches skipping a first “empty” queue to move on to a second queue in order to remove data from the second queue. (Sriram, Column 6, Lines 34-37). In contrast, the present invention teaches that if there are no contexts which reside on queues for the current remote node and loop, an on-chip cache (*as opposed to the queues*) will be examined in an effort to locate a context for the current remote node and loop. (Present Application, Page 7, paragraph 0015). Such capabilities of the present invention allow the system to *bypass* the standard queuing mechanism in an effort to locate a context for the current remote node and loop so as to save the current loop tenancy thereby promoting improved system efficiency. (Present Application, Page 7, paragraph 0015). Therefore, Applicants contend that none of the above-cited references, alone or in combination, either teach, disclose or suggest the above-referenced elements of Claims 1 and 26. Therefore, a prima facie case of obviousness has not been established for Independent Claims 1 and 26 of the present application. Thus, Independent Claims 1 and 26 should be allowed. Further, Dependent Claims 3-7 and 9-14 (which depend on Independent Claim 1) and

Dependent Claims 27-37 (which depend on Independent Claim 26) should also be allowed.

Independent Claim 15 recites elements that have not been disclosed, taught or suggested by Sriram, either alone or in combination with any of the above-cited references. For example, Independent Claim 15 recites the following element:

“assigning a priority to each of the transmit frame types of the set, priority being assigned based at least in part on equation $\text{priority_value} = A * \text{priority_type} + B * \text{time_of_entry}$, A and B being at least one of fixed constants and variables”.

The above-referenced elements of Claim 15 may provide a weighting relationship which may be used in conjunction with or as alternative to multiple queue usage. (Present Application, Pages 8-9, Paragraph 0017). Applicants contend that none of the above-cited references, alone or in combination, either teach, disclose or suggest the above-referenced elements of Claim 15. Therefore, a prima facie case of obviousness has not been established for Independent Claim 15 of the present application. Thus, Independent Claim 15 should be allowed. Further, Dependent Claims 16-25 (which depend on Independent Claim 15) should also be allowed.


CONCLUSION

In light of the forgoing, reconsideration and allowance of the pending claims is earnestly solicited.

Appl. No. 10/671,353

Amendment and Response to the Office Action dated 07-26-07

Respectfully submitted on behalf of
LSI Logic,

By: 
Jeffrey M. Andersen
Reg. No. 52,558

Dated: October 23, 2007

Jeffrey M. Andersen
SUITER • SWANTZ PC LLO
14301 FNB Parkway, Suite 220
Omaha, NE 68154
(402) 496-0300 telephone
(402) 496-0333 facsimile